

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

PHARMASTEM THERAPEUTICS, INC.,

Plaintiff,

v.

VIACELL, INC., OBSTETRICAL AND  
GYNECOLOGICAL ASSOCIATES, P.A.,  
FEMPARTNERS, INC., and CARITAS ST.  
ELIZABETH'S MEDICAL CENTER OF  
BOSTON, INC.,

Defendants.

CIVIL ACTION NO. 04-11673 (RWZ)

PROPOSED ORDER

Defendant ViaCell, Inc. ("ViaCell"), having filed a Motion For An Extension of Time In Which to Respond to PharmaStem's Motion for a Preliminary Injunction;

AND THE COURT having considered the motion;

AND GOOD CAUSE having been shown;

IT IS HEREBY ORDERED on this \_\_\_\_ day of \_\_\_\_\_, 2005, that:

(1) ViaCell's Motion for An Extension of Time is GRANTED;

(2) ViaCell shall have ten (10) business days from the entry date of the decision of the Judicial Panel on Multidistrict Litigation regarding the motion to consolidate pending in MDL No. 1660 in which to file a response to PharmaStem's motion for a preliminary injunction; and

(3) Should the Judicial Panel on Multidistrict Litigation grant the motion to consolidate pending in MDL No. 1660, the extension of time granted to ViaCell herein shall be extended until the new court has set a briefing schedule regarding PharmaStem's motion for a preliminary injunction.

DATED: \_\_\_\_\_, 2005

\_\_\_\_\_  
The Honorable Rya W. Zobel, U.S.D.C.